

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ANTONIO FREEMAN,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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Case No. 6:19-cv-495-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner Antonio Freeman, proceeding *pro se*, filed the above-styled and numbered application for the writ of habeas corpus under 28 U.S.C. § 2254 challenging the legality of his conviction. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. After ordering Petitioner to pay the filing fee or to seek leave to proceed *in forma pauperis*, and to file an amended petition in accordance with Rule 2(c) of the *Rules Governing Section 2254 Proceedings in the United States District Courts*, the Magistrate Judge issued a Report recommending that the petition be dismissed without prejudice for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Petitioner at his last known address, return receipt requested, but no objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Petitioner did not file

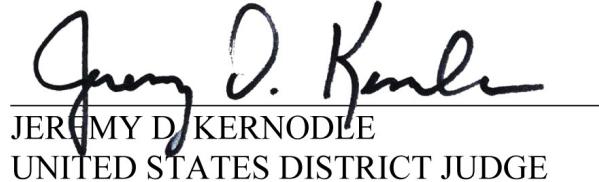
objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 8) be **ADOPTED**. The above-styled application for the writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. A certificate of appealability is **DENIED** *sua sponte*. All pending motions are **DENIED** as **MOOT**.

**So ordered and signed on this**

Jan 7, 2021



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE